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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,919	09/23/2003	James W. Meadows	59392-010008	3329

7590

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EXAMINER
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RADA, ALEX P

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/668,919	Applicant(s) MEADOWS ET AL.	
	Examiner Alex P. Rada	Art Unit 3713	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2005.  
2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 145-148 and 154-157 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 145-148 and 154-157 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Response to Amendment***

In response to the amendment filed August 4, 2005 in which the applicant cancels claims 1-144 and 149-153, amends claims 145 and 154, and claims 145-148 and 154-157 are pending in this application.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 145-148 and 154-157 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The disclosure as originally filed does not disclose nor teach, "a representation of said object is displayed on said apparatus display, as viewed from above said above, and said representation automatically rotates to orient said representation to coincide with the golfer's line of sight". The examiner request applicant to point to the disclosure the limitation of the representation of the object automatically rotates to orient the representation to coincide with the golfer's line of sight to the object.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 145-148 and 154-157 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnard (US 6,456,938) in view of Fisher (US 5,507,485).

5. Barnard disclose an integrated hand held golfing device having the following:

An integrated device having a computing device (figure 1), a GPS device (20), a display, the GPS adapted to produce measured location information corresponding to a location of the GPS device independent of golf course infrastructure (column 13, lines 1-41), a means for modifying the measured location information to account for changes in environmental conditions to obtain corrected location information (column 2, lines 36-61), in which the examiner interprets the means for modifying the latitude, longitude, and altitude to be the automatic corrections executed by the GPS device (background), a means for determining the distance between the GPS device and the object by using corrected location information, a representation of the object is displayed on the apparatus display, *as viewed from above the object*, and the representation *rotates to orient the representation to coincide with the golfer's line of sight to the object*, in which the examiner interprets the zoom and pan feature to be a functional equivalent to the

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representation of the object is displayed on the apparatus display, *as viewed from above the object*, and the representation *rotates to orient the representation to coincide with the golfer's line of sight to the object* (column 24, lines 44 – column 25, line 15 and figures 5, 16-17, and 24) and the device is adapted to display the distance on the display (figure 17) as recited in claims 145 and 154.

The object is a green and a moveable cross hair (cursor) is displayed on the display and the distance between the apparatus and the position of the cross hair (cursor) is computed and displayed (figures 5 and 17) as recited in claims 146 and 155.

The cross hair is displayed so that a portion thereof intersects the boundary of the displayed green at an intersection point and the distance between the apparatus and the position of the intersection point to the green is computed and displayed (figures 5 and 17) as recited in claims 147 and 156.

The cross hair displayed so that one or more portion thereof intersect the boundary of the displayed green at two intersection point and the distance between the apparatus and the portion of each of the two intersection points relative to the green are computed and displayed (figures 5 and 17) as recited in claims 148 and 157.

Barnard does not expressly disclose the following:

Determining the distance by using previously stored information concerning the location of the object as recited in claims 145 and 154.

Fisher teaches the following:

Determining the distance by using previously stored information concerning the location of the object (column 9, lines 36-67) as recited in claims 135, 141, and 145.

Generating corrected location values using the device based on different in environment condition and obtain location information concerning a desired point using the GPS device (summary) as recited in claim 141. By using previously stored information concerning the location of an object and the changes of environmental conditions, one of ordinary skill would provide a golfer with precise information on a golf shot.

Barnard in view of Fisher discloses the claimed invention except for the representation of the object displayed automatically rotates to orient the representation to coincide with the golfer's line of sight. It would have been obvious to one having ordinary skill in the art at the time the invention was made include an automatic rotation to orient the object to coincide with the golfer's line of sight, since it has been held that broadly providing a automatic means to replace manual activity which has accomplished that same result involves only routine skill in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Barnard to include determining the distance by using previously stored information concerning the location of the object and generated corrected environmental conditions as taught by Fisher to provide an avid golfer with a precise distance between a golfer's ball to the hole.

***Response to Arguments***

6. Applicant's arguments filed August 4, 2005 have been fully considered but they are not persuasive.

Applicant contends that Barnard reference does not disclose nor teach as amended, "wherein a representation of the object is displayed on the apparatus display, as viewed from above the object, and the representation rotates to orient the representation to coincide with the golfer's line of sight to the object". The pan function of Barnard moves the displayed object up, down, left and right but does not rotating the object.

The examiner agrees that the Barnard reference does not disclose an automatic rotation as amended. However, Barnard does disclose a zoom and panning feature (column 24, lines 44 – column 25, line 15). Merriam Webster's Collegiate Dictionary defines "Pan" as: to rotate (as a motion picture camera) so as to keep an object in the picture or secure a panoramic effect. Therefore, Barnard does disclose an equivalent to the rotation to orient the representation to coincide with the golfer's line of sight of the object. As noted above Barnard does not disclose that the representation of the object displayed automatically rotates to orient the representation to coincide with the golfer's line of sight. It would have been obvious to one having ordinary skill in the art at the time the invention was made include an automatic rotation to orient the object to coincide with the golfer's line of sight, since it has been held that broadly providing a automatic means to replace manual activity which has accomplished that same result involves only routine skill in the art.

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***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 571-272-4452. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

*Am*  
APR

  
**XUAN M. THAI**  
**SUPERVISORY PATENT EXAMINER**  
*TC3700*